



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/770,414 10/03/91 NILSSEN

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EXAMINER

DINH, S

25M1/0726

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CAESARA DRIVE
BARRINGTON, IL 60010

ART UNIT

PAPER NUMBER

2511

DATE MAILED:

07/26/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 1/5/93 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 10 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-21 are pending in the application.

Of the above, claims 15-18 and 21 are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-14, 19-20 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable, ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved, ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Applicant's petition filed Nov. 12, 1992 is, by authority of the Group Director, being treated as a request for reconsideration of the restriction requirement of the restriction requirement of July 1, 1992 as well as a request that the examiner respond to applicant's arguments with respect to said restriction requirement.

The requirement for restriction has been reconsidered but is still deemed to be proper and is hereby made final.

With respect to Applicant's argument regarding the restriction requirement;

a) Claim 15-18 include an AC voltage source including a specific relationship of a capacitor, terminals and ground. None of the other claims call for this combination. In addition, note the rectifier of Group I is not recited in these claims.

b) claim 21 recites an inverter whose output voltage is higher after lamp ignition than before lamp ignition. This clearly implies some sensing and/or feedback related to the inverter to accomplish this function. Note again that this claim does not recite the rectifier means of Group I or the capacitor, terminal and ground relationship of Group II.

While it is true that all the claims are drawn to an AC supply for a gas discharge lamp in a very broad sense, the recitation in each Group of claim is directed to specific details which are not related in the other Groups and would be patentably

Art Unit 2511

distinct therefrom.

Claims 15-18 and 21 stand withdrawn from consideration as being drawn to a non-elected invention.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-13 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Moerkens.

Figure 1 of Moerkens clearly shows a power supply for a gas discharge lamp having a source for providing AC voltage (1 and 2), or gas discharge lamp (7), a capacitor means (4) and a lamp starting and operating means (5,6) being operative, prior to lamp ignition, to cause a lamp starting voltage to exist between the lamp terminal. Also, the starting voltage is the sum of AC and DC voltage and only the AC flowing through the lamp after the lamp ignition.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which

Art Unit 2511

the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-3, 5-6, 14 and 19 are rejected under 35 U.S.C.

§ 103 as being unpatentable over Moerkens.

The only difference between Moerkens and claims 1-2, 5-6, 14-15 and 18-19 is that Moerkens is silent on the use of a disconnectably connecting means between the lamp terminals and the 1st source terminal and the second capacitor terminal. However, the disconnection or connection of a lamp for a source terminal is conventional and well known in the art to modify Moerkens by using a disconnectably connecting means for connecting or disconnecting the lamp from the source terminal since the use of such connecting means is well known technique and conventional.

Claims 4 and 20 are rejected under 35 U.S.C. § 103 as being unpatentable over Moerkens as applied to claims 1-3, 5-6, 14-15 and 18-19 above, and further in view of Kastl et al.

Moerkens differs from claims 4, 16-17 and 20-21 by the use of a high frequency inverter so as to provide a high frequency AC output voltage. Kastl et al. teach that the use of a fluorescent lamp operating circuit that provide a high frequency AC output

Serial No. 770,414


-5-

Art Unit 2511

voltage is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art to modify Moerkens by using a high frequency inverter for providing a high frequency AC output voltage so as to operate a fluorescent lamp as evidenced by Kastl et al.

Applicant's arguments with respect to claims 1-14, 19 and 20 have been considered but are deemed to be moot in view of the new grounds of rejection.

Any inquiry concerning this communication should be directed to Son Dinh at telephone number (703) 308-4120.


EUGENE R. LAROCHE
SUPERVISORY PATENT EXAMINER
GROUP 2500

Dinh/tj (2)
July 22, 1993



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO./TITLE
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DATE MAILED:

NOTICE OF INFORMAL APPLICATION

(Attachment to Office Action)

This application does not conform with the rules governing applications for the reason(s) checked below. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A. A new oath or declaration, identifying this application by the application number and filing date is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or foreign country of residence of each inventor.
2. ☐ does not identify the citizenship of each inventor.
3. ☐ does not state whether the inventor is a sole or joint inventor.
4. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
 - c. ☐ acknowledges the duty to disclose information which is material to the examination of the application in accordance with 37 CFR 1.56(a).
5. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
6. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose material information as defined in 37 CFR 1.56(a) which occurred between the filing date of the prior application and filing date of the continuation-in-part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).
7. ☐ does not include the date of execution.
8. ☐ does not use permanent ink, or its equivalent in quality, as required under 37 CFR 1.52(a).
9. ☐ contains non-initialed alterations (See 37 CFR 1.52(c)).
10. ☐ Other:

B. Applicant is required to provide:

1. ☐ A statement signed by applicant giving his or her complete name. A full name must include at least one given name without abbreviation as required by 37 CFR 1.41(a).
2. ☐ Proof of authority of the legal representative under 37 CFR 1.44.
3. ☐ An abstract in compliance with 37 CFR 1.72(b).
4. ☐ A statement signed by applicant giving his or her complete post office address (37 CFR 1.33(a)).
5. ☐ A copy of the specification written, typed, or printed in permanent ink, or its equivalent in quality as required by 37 CFR 1.52(a).
6. ☐ Other: *There Are 2 Claims Numbered 5*
There Are 2 Claims Numbered 6